

### **REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has amended claims 20, 21 and 34-37, canceled claims 19 and 22, and added new claims 38-41. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

**Claim Rejection - 35 U.S.C. 102(e):**

Claim 19 was rejected under 35 U.S.C. 102(e) as being anticipated by Holst et al. (U.S. Patent No. 5,914,091). Claim 19 has been canceled, thus removal of the rejection is requested.

**Claim Rejection - 35 U.S.C. 103(a):**

Claims 20-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holst in view of Green (U.S. Patent No. 5414201) and Richie (U.S. Patent No. 5069885). Examiner alleges that Holst et al. discloses all of the elements of claims 20-33 except the presence of Ti (claims 25, 26, 29 and 30) or the rotation of the catalyst (claims 20-33).

Applicant again notes the USPTO procedure requires examiner's to follow the examination results of previous examiners. Since the parent application includes similar claimed features, applicant should be entitled to have the similar claimed features allowed in subsequent applications. Also, applicant notes that the parent application on which the subject application is a divisional application, has matured into U.S. Patent

6,334,936, and that the parent application lists the Ritchie reference as prior art evaluated during the examination process.

The Holst patent relied upon by the present Examiner was available as prior art in the parent application, however, the previous Examiner determined that Holst was not a relevant reference.

MPEP section 706.04 states that full faith and credit should be given to the action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art. The examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner in mere hopes of finding something. *Amgen Inc. v. Hoechst Marion Roussel, Inc.* 126 F. Supp. 2d 69, 139, 57 USPQ 2d 1449 (D-Mass 2001).

Richie was combined with Holst in an attempt to find all of the limitation in Applicant's claims. However, Richie teaches an apparatus for purification of water in a tubular photoreactor that includes a non-transparent substrate coiled longitudinally and helically around a transparent sleeve to create a fluid channel which causes the fluid to pass spirally around the lamp (col. 3 lines 45-47). The non-transparent substrate has a photocatalyst bounded to it. The water flows over the photocatalyst on the non-transparent substrate as the photo-activating lamps activate the photoreactive material, a photocatalytic reactor

Unlike Richie, the present application describes and claims a thermocatalytic apparatus that includes a means for rotating the catalytic media in the thermoreactor to form a fluidized bed, not a solid channel over which the fluid flows. The catalytic media is not fixed in place, rather the rotation of the catalytic media forms the fluidized bed

through which the target pollutant passes (page 50, lines 5-16). Claim 19 has been amended to clarify that the target pollutant passes through the fluidized bed as shown in Fig. 9b, not over an impermeable photoreactive material as taught by Richie. Since Richie does not teach rotation of the catalytic media within the thermocatalytic reactor, does not teach use of a fluidized bed of catalytic media created by the rotation and does not teach passing the target pollutant through the fluidized bed, Richie falls to overcome the deficiencies of Holst.

Greene was combined with Holst and Richie to overcome the deficiency of teaching the presence of Ti in the catalyst. However, teaching the use of Ti as an element of the catalyst does not overcome the deficiency of teaching the rotation of the catalyst to form a fluidized bed and passing the target pollutant through the fluidized bed. Claims 34-37 were amended to claim a thermocatalytic pollution control system. For these reasons, Applicant believes that claims 20, 21 and 23-37 are allowable under section 103(a) and requests removal of the rejection.

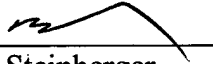
New claims 38-41 have been added to further claim the structure of the thermocatalytic reactor having an impermeable drum with a permeable drum therein so that the varying flow rate target pollutant in the impermeable drum passes through the fluidized bed in the permeable drum. See Fig. 9b and the description starting page 50, line 1 and ending on page 51, line 8.

In regard to claims 21-24 and 36-37, claim 22 has been canceled and the limitation of rotating the second thermocatalytic reactor has been added to claim 21. The references cited by the Examiner fail to disclose a rotating second thermocatalytic reactor in series or in parallel with the first thermocatalytic reactor. Therefore, Applicant believes

that claims 21, 23-24, 36-37 and 41 are allowable under section 103 and requests removal of the rejection.

In view of the foregoing considerations, it is respectfully urged that claims 20, 21 and 23-41 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
\_\_\_\_\_  
Brian S. Steinberger  
Registration No. 36,423  
101 Brevard Avenue  
Cocoa, Florida 32922  
Telephone: (321) 633-5080

Date 12/8/05